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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,072	03/31/2004	Serge Lamoureux	16482-1 US GH/mb	4651
20988	7590	12/02/2005	EXAMINER	
OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			VASUDEVA, AJAY	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/813,072	LAMOUREUX ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ajay Vasudeva	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 10-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 10-16 is/are allowed.
- 6) ☒ Claim(s) 16-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. The formal drawings filed 9/06/2005 are accepted.

### *Claim Objections*

2. Applicant has not completely addressed all outstanding claim(s) objections included in the prior Office Action mailed 6/06/2005. Therefore, the reply filed on 9/15/2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter:

- The typographical errors identified in the prior Office Action, such as use of “**thraugh**” instead of – **trough** –, have not been corrected in the newly added claims 16, 19, 28, 31 etc.

Applicant is again requested to carefully review the specification as well as the claims to correct any grammatical and/or typographical errors.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 16-27 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 16 (line 15), use of “said threaded next” (emphasis added) makes the claim indefinite because the limitation lacks proper antecedent basis in the claim. Further, the meaning of such limitation is not quite clear, and therefore fails to define the metes and bounds of the claim.

In claim 33, the limitation "said V-shaped depression" (emphasis added) lacks proper antecedent basis in the claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 28-30, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rueckert (US 5,941,660 A) in view of Neitzke et al. (US 5,281,055 A).

Rueckert ('660) shows a support platform [16] having an elongated rectangular casing dimensioned to support a watercraft elevated from a surrounding water surface (*figure 2*). The casing has opposed substantially parallel sidewalls [76, 78], and an elongated central ramp [94] formed integrally in a top surface of the casing. The casing is a molded casing (col. 12).

The ramp has a trough-like upper surface with a sloped forward entryway [98] terminating in a lower edge. Although the lower edge is coplanar with the front wall [96] and does not extend forward of the front wall, the lower edge projects forward at least with respect to several other components of the casing, such as the back wall [82]. Therefore, the lower edge is also considered to be a "*lower forward projecting edge*". As seen in figure 5, the casing has a coupling surface in the form of a step disposed in a lower section, which is considered as an equivalent of a "*coupling cavity*".

One embodiment of the casing shows provision of connectors [176] in the form of cylindrical channels in the opposed sidewalls for a rigid interconnection with a plurality of

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floatation casings by fastening means [140] to form a floating dry dock on a water surface (see col. 10, lines 14-20; and figures 12-19).

Rueckert, however, is silent on the provision of integrally formed flotation chambers in the casing, or the chambers extending on opposed sides of the ramp.

Neitzke et al. shows a support platform [10] having an elongated rectangular casing. The flotation casing has elongate struts stretching from the bottom surface to the top surface of the casing for providing structural support to a top surface of the casing (col. 3, lines 7-13). The struts thereby divide the flotation casing into integrally formed flotation chambers that extend on opposed sides of the ramp (figure 3)

It would have been obvious for one skilled in the art at the time of the invention to provide supporting struts within the casing of Rueckert, as taught by Neitzke et al. Having such struts would have provided additional structural support to the top surface of the casing, and prevented sagging of the surface even after extended use or when supporting heavy loads.

Re claim 32, the sloped forward entryway is provided with sloped sidewalls (fig. 8) to form a u-shaped depression atop the forward edge. Such depression is considered equivalent to a guide cavity that is disposed on top of the forward edge. Therefore, the forward edge is considered provided with a "guide cavity" for guiding a watercraft, even though the guide cavity is not cut out in the forward edge itself.

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Re claim 34, the casing shows connectors provided with projecting tabs extending along open slots [178] (see fig. 14), and the connector also having a through bore extending through it. When the channel of the connector receives a fastener, such channel becomes reinforced to be a "reinforced channel formation", even though the walls of the channel itself are not reinforced.

7. Claims 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rueckert ('660), as modified above by Neitzke et al. ('055), and further in view of Hillman et al. (US 6,006,687 A).

Rueckert ('660), as modified by Neitzke et al. ('055), shows a support platform casing, as above.

However, the modified Rueckert does not show a deep V-shaped depression with sloping walls.

Hillman et al. ('687) shows a support platform casing provided with a deep V-shaped depression with sloping walls (fig. 1) to securely accommodate watercraft of all types of hull (col. 1, lines 60-65).

It would have been obvious for skilled in the art at the time of the invention to provide a v-shaped depression in the upper surface of the casing of modified Rueckert ('660), as taught by Hillman et al. Having such depression would have allowed boats with different types of hull to be snugly accommodated and prevented excessive movement of the hulls. It is noted that the casing of modified Rueckert would have elongate struts stretching from the bottom surface to

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the top surface, as described in the previous section of this Office Action, which would have provided a central reinforcement to the bottom wall section.

***Allowable Subject Matter***

8. Claims 1-6, and 10-15 are allowed.

***Response to Arguments***

9. Applicant's arguments filed 9/06/2005 have been fully considered but they are not persuasive.

Arguments: Applicant has argued that the Ruekert Patent does not disclose

- (i) a hollow casing; or
- (ii) a coupling cavity in opposed walls such that two support platforms can be nested together end-to-end; or
- (iii) a sloped entryway projecting in the front wall thereof.

Response to Arguments: Regarding the first argument, the Ruekert Patent clearly discloses a hollow casing (see col. 3, lines 50-51 and lines 60-61; and col. 4, lines 8-10).

Regarding the second argument, figure 5 in the Ruekert Patent shows the casing as having a coupling surface in the form of a step disposed in a lower section. Such coupling surface is considered as an equivalent of a "coupling cavity". Further, it is noted that the claim is silent on the "coupling cavity in opposed walls" (emphasis added) as being argued.

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Regarding the third argument, the limitation "sloped entryway projecting in the front wall", as phrased, has been broadly interpreted to mean that the sloped forward entryway projects into the front wall so as to terminate at the front wall. Such interpretation is not limited to a narrow meaning that "*the edge of the sloped entryway projects beyond the front wall of the casing*" because such has not been claimed.

Applicant may also note that the claim is a subcombination claim, and any limitation reciting an interconnection with another platform is merely an intended use and therefore is not accorded patentable weight. In this case, the claimed platform is capable of being interconnected, as being claimed, with another different type of a platform, such as one that has an extremely large cavity.

### **Conclusion**

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a)

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684.

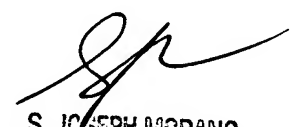
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AV

Ajay Vasudeva  
Examiner  
Art Unit 3617

  
**AJAY VASUDEVA**  
**PATENT EXAMINER**

11/22/05

  
**S. JOSEPH MORANO**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**